United Nations S/2005/550

Security Council

Distr.: General
26 August 2005

Original: English

Letter dated 25 August 2005 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to the Chairman's letter of 16 January 2004 (S/2004/59). The Counter-Terrorism Committee has received the attached fourth report from Barbados submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ronaldo Mota **Sardenberg**
Acting Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 19 August 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Barbados to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to refer to your letter of 10 May 2005 concerning the submission of Barbados' fourth report to the Counter-Terrorism Committee.

In this regard, I have the honour to forward herewith the report on behalf of the Government of Barbados (see enclosure). I wish to reiterate the commitment of the Government of Barbados to the international fight against terrorism and its support for the work of the Counter-Terrorism Committee.

(*Signed*) Charles **Burnett**
Chargé d'affaires a.i.

Enclosure*

Fourth report of the Barbados Government pursuant to paragraph 6 of Security Council resolution 1373 (2001)

1. IMPLEMENTATION MEASURES

Effectiveness in the Protection of Financial System

1.1 Effective implementation of sub-paragraph 1 (a) requires States to have in place effective executive machinery for preventing and suppressing the financing of terrorist attacks.

In this regard, could Barbados please provide the CTC with information on their mechanism for inter-agency cooperation, with particular regard to the prevention of the financing of terrorists, both from legal and illegal sources?

By virtue of section 4 of the Barbados Anti-Terrorism legislation a person who whether in or outside Barbados, directly or indirectly provides or collects funds, or provides financial services or makes such services available to persons with the intention that such funds or services be used or with the knowledge that they are to be used for terrorist activity commits an offence. Such an offence is punishable on conviction on indictment to imprisonment for 25 years.

The reporting framework that was in place for reporting suspicions of money laundering prior to 2002 has by virtue of the enactment of the Anti-Terrorism legislation been extended to include reporting suspicions of terrorist financing as well. Thus by virtue of section 8 (1) (b) (ii) of the Money Laundering and Financing of Terrorism (Prevention and Control) Act, Cap. 129, financial institutions are mandated to report to the Anti-Money Laundering Authority, *inter alia,* transactions that involve "the financing of terrorism". Additionally, by virtue of the extension of the Financial Intelligence Unit's (FIU) mandate to include responsibility for terrorist financing matters, this area now benefits from the inter-agency cooperation provided by monthly meetings of the Anti-Money Laundering Authority. This Authority is made up of the Heads of key government regulatory and supervisory bodies and represents Barbados' effort to ensure that all relevant agencies within the country are brought into the fight against money laundering and terrorist financing. The Authority includes (but is not limited to) the following persons:

- Solicitor General or representative;
- Commissioner of Police or representative;
- Comptroller of Customs;
- Registrar of Corporate Affairs;
- A representative of the Central Bank of Barbados;
- Commissioner of Inland Revenue; and
- Supervisor of Insurance.

It should be evident from the above list that all major government regulatory/supervisory and enforcement agencies in Barbados who have an interest in these issues meet formally once per month to discuss issues and chart the course of Barbados' anti-terrorist financing efforts.

* Annexes are on file with the Secretariat and are available for consultation.

The Government of Barbados is currently reviewing the existing supervisory system related to the banking and non-banking financial sector. This is being done with a view of enhancing the co-ordination of supervision of the sector which may possibly result in the establishment of a Central Supervisory Authority that would strengthen further Barbados' capacity to monitor the issues raised in this report.

In terms of the capacity to share information regarding suspicions of both money laundering and terrorist financing with the relevant agencies of a foreign States, section 6 (c) of the Money Laundering and Financing of Terrorism (Prevention and Control) Act provides that:

"The Director may in accordance with the directions issued by the Authority communicate information that is relevant to this Act to any national financial intelligence unit of a foreign state (by whatever name called)

(a) where the unit is located in a state that is party to any agreement with Barbados in respect of the exchange of information under this Act; and

(b) where he is satisfied that the state has given appropriate undertakings for protecting the confidentiality of the information and for controlling the use that will be made of it."

Do the legal provisions in place in Barbados authorise the administrative authorities to share both public and non-public information with domestic and foreign counterparts?

There are legal provisions in place to authorise administrative authorities to share information with foreign counterparts. This capacity to share information is effected through various arrangements.

As detailed in paragraphs 18 to 21 of Barbados' Report of December 2001, Barbados' Double Taxation Agreements (DTAs) authorise the sharing of tax information with foreign counterparts through a comprehensive exchange of information provision. It must be stated that the abovementioned agreements relate to tax matters only and would be relevant only where tax information can show the possession of assets in the context that would suggest terrorist financing.

Mention should also be made of section 15 of the Anti-Terrorism Act, 2002-6 which provides that the Attorney-General is the competent authority in Barbados for the exchange of information relating to criminal investigations or extradition proceedings in respect of an offence under the Act.

As members of the Egmont Group, the FIU has access to the Egmont Secure Web where direct requests from FIUs worldwide are received and actioned daily. This framework is buttressed by the Mutual Assistance in Criminal Matters Act, Cap. 140 A which permits Barbados to share information with a Commonwealth country, any country which has a mutual legal assistance treaty with Barbados or any country which is party to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

The Royal Barbados Police Force's membership in INTERPOL affords direct access to that organisation's numerous databases and to share information on a timely basis on matters of crime including terrorism. The body also provides data on current typologies, techniques and trends to member states. To manage this aspect of the policing, the Force has dedicated a unit manned by trained officers and which has self-autonomy for tasking and pursuing pertinent matters.

Participation of the Police Force's strategic units in a number of international and regional conferences, among others, also provide useful avenues for sharing information. This is outside the provisions made in the legislative framework which embraces memoranda of understanding, treaties and other legal instruments.

The Police Force participates at an executive level in the regional conference for Special Branch Officers, the Regional Security System and the Association of Caribbean Commissioners amongst others. Although the agenda of these fora cover a wide range of issues, matters relating to terrorism and intelligence management and sharing represent core items for discussion.

In addition, the Police Force continues to work closely with other local law enforcement agencies and in some instances has formal partnerships with these agencies on matters of intelligence sharing. These collaborations are predicated on memoranda of understanding.

Section 48 (2) of the International Financial Services Act, 2002-5 permits the Central Bank of Barbados to disclose information received to:

- any supervisory or regulatory authority of financial institutions in Barbados and
- the appropriate supervisory or regulatory authority of financial institutions of another country, at the request of that authority, where there is a branch, holding company or affiliate of the licensee operating in that country.

Section 44 (2) of the Financial Institutions Act, 1996-16 permits the Central Bank of Barbados to disclose information received to:

- the Director of Prosecutions
- the Commissioner of Inland Revenue or
- the appropriate supervisory authority of financial institutions outside Barbados at the request of that authority, where the branch, holding company or affiliate of the licensee is operating in that country.

The Central Bank of Barbados is spearheading the introduction of a Memorandum of Understanding between domestic regulators in Barbados for the exchange of information, cooperation and consultation.

In accordance with Section 6 A (4) of the Money laundering and Financing of Terrorism (Prevention and Control) Act, Cap. 129, the Central Bank of Barbados is among the administrative authorities listed to provide information to the FIU, where "there are reasonable grounds to believe that an investigation in relation to any person should be conducted for the purposes of the Act."

1.2 **As regards the suppression of the financing of terrorism as required by sub-paragraph 1 (a) of the Resolution, the CTC would appreciate learning whether Barbados' Financial Intelligence Unit (FIU) has sufficient resources (human, financial and technical) to enable it to carry out its mandate. Please provide appropriate data in support of your response.**

Competent and knowledgeable professionals currently staff the Barbados FIU. The Director and next senior officer are both attorneys-at law with backgrounds in law enforcement. The two junior investigators are also well trained with one holding a degree in Criminal Justice with a law enforcement background, and the other holding a Master's Degree in Finance with a banking background. There is also an Information Technology Specialist on staff who has had extensive training in the area of seized computer recovery operations. The

Information Technology Specialist also has a background in law enforcement. A confidential Administrative Secretary coordinates the work of the Unit. Given the ever widening responsibility the FIU has made representation for a modest increase in investigative staff and this request is at present receiving consideration. However, given the quality of staff at the FIU, the task at hand is certainly within their competence.

The FIU collaborates with domestic financial sector regulators to supervise financial institutions in accordance with the Money Laundering and Financing of Terrorism (Prevention and Control) Act, Cap. 129.

1.3 **Sub-paragraph 1(a) of the Resolution requires all states to suppress the financing of terrorism.**

Does Barbados' government (or its supervisory authority) train its administrative, investigative, prosecutorial and judicial authorities concerning the enforcement of laws relating to typologies and trends in the methods and techniques used in the financing of terrorism?

Much of the training received by these authorities has been primarily offered due to the link between money laundering and terrorist financing and consequently is predominantly geared towards the former phenomenon. Seminars and workshops have been organised by the Caribbean Action Task Force, the Financial Action Task Force, le Groupe d'Action Financiere sur le Blanchiment de Capituax, which is a French affiliate of the FATF, other states, other law enforcement agencies and civil society organisations.

Staff of the Bank Supervision Department is exposed to Anti-Money Laundering (AML) and anti-terrorism financing training and awareness at supervisory conferences and programmes tailored for bank examiners. These are conducted under the auspices of such bodies as the Caribbean Group of Banking Supervisors, the Caribbean Financial Action Task Force, Office of the Comptroller of Currency and the Federal Reserve Bank.

Members of the Police Force at both supervisory and investigative levels have been trained in certain areas relating to the financing of terrorism and money laundering and the tracing of assets and property representing the proceeds of crime. The bulk of the training has been in relation to money laundering investigations. The training of investigators is however ongoing and is provided locally, regional and internationally.

The core of the training has extended from the coverage of international trends, typologies to include regional and local methods and techniques. The training has been for the most part sponsored by the Caribbean Anti-Money Laundering Programs. Recently there has been specific training in the combating of terrorist financing sponsored by the Commonwealth Secretariat. Investigative techniques have been applied in investigations.

The staff of the FIU attempt to remain abreast of the latest international trends in terrorist financing by ensuring exposure whenever possible to international training, seminars and conferences on the subject. Also in-house training sessions in the recent past have focused on the role of Informal Value Transfer Systems (IVTS) and Charities in this activity.

All members of the FIU have received some training and exposure to the methods and techniques employed in the effective tracing of suspected criminal assets.

Officers of the Department of Public Prosecutions (DPP) are trained to recognise typologies and trends in the methods and techniques used in the financing of terrorism by attending courses organised by local and international agencies and organisations. Officers have also attended seminars which dealt with the methods and techniques used to trace property which represents proceeds of crime or is to be used for financing of terrorism.

In February 2005, an officer from the L... attended a one-week workshop on Capacity Building in Combating Terrorism. This Workshop was organised by the Commonwealth Secretariat and was held in St. Kitts and Nevis. Some of the topics discussed were: terrorism and terrorism financing offences, the investigation and prosecution of such offences and chasing terrorist property which included tracking, freezing and forfeiting such property.

In January 2005 two officers from the Department attended a conference organised by the Caribbean Financial Action Task Force in Trinidad. This Conference was organised to sensitise Compliance Officers, Regulators and personnel of Financial Units on the revised international standard which will impact on their unit as well as to provide guidance on effective implementation. The seminar also examined money laundering techniques and methods utilised by criminals and terrorists.

Between October 2003 and February 2004, five officers from the DPP attended two one-week seminars which were organised by the Caribbean Anti-Money Laundering Programme and which were held in Trinidad. These seminars examined the various legislation implemented to combat money laundering. Special emphasis was placed on drafting documents for applications for restraint and forfeiture orders. Extensive attention was also paid to the tracing of tainted property and the trends and typologies used by criminals to launder money.

It should be noted that the legal procedure for freezing and forfeiture of proceeds of crime is the same as those used to freeze and forfeit property which has been used or is suspected to be used for terrorist financing.

The materials which are distributed at these conferences are normally shared with the other members of staff who did not get the opportunity to attend that particular conference or seminar.

Does Barbados train the authorities referred to above in the methods and techniques used to trace property, which represents the proceeds of crime or is to be used for the financing of terrorism?

Barbados provides and makes arrangements for training in the area of proceeds from crime and asset forfeiture. As indicated in the response to the first part of this question, training in this area has been provided to the staff of the Bank Supervision Department of the Central Bank, the Barbados Royal Police Force, the Office of the Director of Public Prosecutions and Financial Intelligence Unit. Specific training in this area has been provided by the Caribbean Action Financial Task Force and the Canadian Mounted Police.

Can Barbados ensure that such property is seized, frozen or confiscated? Please outline the relevant programs or/and courses.

As elaborated in the response to question **1.4**, Barbados wishes to affirm that it can effectively seize, freeze or confiscate property which has been adjudged to represent the proceeds of crime or is to be used for the financing of terrorist activities.

As indicated above, training has been received in the areas of asset forfeiture and proceeds from crime. The officers of the Department of Public Prosecutions are adequately trained to effectively apply for the relevant orders for the freezing and confiscation of property and to do all that is necessary to see that they are enforced.

Which mechanisms/programs does Barbados have in place to educate the different economic sectors on the detection of suspicious and unusual transactions related to terrorist activities and on the prevention of the movement of illicit money?

The FIU has in the past, and continues to pursue campaigns to sensitise the financial community and the public at large regarding money laundering and terrorist financing. The issuance of sector specific guidelines, numerous training courses conducted for financial institutions, issuance of Bulletins and the use of the electronic and print media are all methods the FIU has employed to get the message about these important issues.

1.4 Effective implementation of sub-paragraph 1 (c) of the Resolution requires States, *inter alia*, to have legal provisions in place which enable them to freeze without delay the funds, financial assets and other economic resources of persons who commit, attempt to commit or facilitate the commission of terrorist acts in Barbados or directed against other States. From the reply concerning sub-paragraph 1 (c) of the Resolution (see supplementary report at page 6), it is clear that the funds, financial assets and other economic resources of the terrorists may be frozen under the rules of criminal procedure of Barbados, if the crime is committed within the jurisdiction of the courts of Barbados or when the request is made by another State. The legal provisions currently in force in Barbados would therefore appear not adequate to meet the requirements of the sub-paragraph, in particular as they apply to the freezing of the proceeds of crime. The CTC would appreciate receiving an outline of the legal provisions which enable Barbados to meet these particular requirements of the Resolution.

In Barbados' legal system the freezing, restraining, forfeiture or confiscation of assets can be effected under the Anti-Terrorism Act, Cap. 158, the Proceeds of Crime Act, Cap. 143, the Money Laundering and Financing of Terrorism (Prevention and Control) Act, 2002 and the Customs Act Cap. 66. In particular, section 8 of the Anti-Terrorism Act allows for the freezing of assets where an application is made by the Director of Public Prosecutions with respect to a person who has been or is about to be charged with an offence under this Act.

Barbados is confident that its system effectively allows for freezing of assets following the judicial process and action on these matters is taken expeditiously. It is on this basis that Barbados wishes to challenge the assumption that the legal provisions do not meet the requirements of sub-paragraph 1 (c). As has been made clear in previous submissions, Barbados considers the legal provisions to be adequate and can be used for the effective seizure and freezing of assets. Barbados continues to emphasise that the measures used in the anti-terrorism effort must be balanced and in accord with domestic and international law and the right of due process. The roles of the executive, judiciary and the legislature are clearly detailed and separated in a parliamentary democracy. It would be most inappropriate in this type of democracy, if the executive arm of government were to be granted the power to freeze funds.

It is in this context that Barbados requests the CTC to specify and define precisely what is meant by the assertion that our legislation appears not to be able to meet the requirements of sub-paragraph 1 (c).

1.5 In the context of effective implementation of paragraph 1 of the Resolution, could Barbados provide CTC with statistics on:

- **the amount of property frozen, seized and confiscated relating to the financing of terrorism and the number of individuals or entities whose property has been frozen;**

Nil. The legislation designed to combat terrorism is relatively new in Barbados. Since its commencement no charge has been laid under this Act. Likewise, no property relating to the financing of terrorism has been seized, frozen or confiscated.

any criminal, civil or administrative sanctions or penalties applied for failure to comply with the reporting obligations.

Nil. Section 8 (4) of the Money Laundering (Prevention and Control) Act establishes that where a financial institution fails in its duty to make a report to the Authority on a transaction suspected to involve the financing of terrorism, that institution is jointly and severally liable on conviction on indictment to a fine of $100, 000.00.

Effectiveness of Counter-Terrorism Machinery

1.6 **Effective implementation of 1373-related legislation covering all aspects of the Resolution requires states to have in place effective and coordinated executive machinery as well as to create and utilise adequate national counter-terrorism strategies.**

In that context, the CTC would be content to know whether Barbados' national counter-terrorism strategy /or policy targeting (at the national and/or sub-national levels) deals with the following aspects of counter-terrorist activities: financial controls; border controls; law enforcement; emerging threats; illicit arms trafficking; the control of biological and chemical weapons and their precursors, the illicit use of radioactive materials and the control of drug-trafficking?

Does Barbados seek to detect links between terrorists, illegal drug-trafficking or other criminal activities?

Barbados' Police Force makes every effort to detect links between terrorists, illegal drug-trafficking or other criminal activities by co-operating with other law enforcement agencies at the international and regional level, as well as at the local level with Customs, Immigration, the Coast Guard and the Barbados Defence Force.

Does Barbados periodically monitor its legislative and executive counter-terrorist mechanisms with a view to making recommendations to improve the efficiency of the legislative and executive mechanisms charged with combating terrorism? If yes, please outline.

1.7 **In the context of the effective implementation of sub-paragraph 2 (e) would Barbados please outline the legal procedures and administrative mechanisms which it has in place with a view to collecting, analysing and exchanging intelligence data and information concerning terrorist activities?**

At the domestic level, there are legal procedures and administrative mechanisms for the effective collection, analysis and exchange of intelligence data concerning terrorist activities.

The FIU was established by the Money Laundering and Financing of Terrorism (Prevention and Control) Act. The FIU is charged not only with the responsibility of investigating and receiving intelligence on suspected cases of money laundering, but because of the enactment of the Anti-Terrorism Act in 2002, its mandate was extended to the investigation of suspected cases of terrorist financing as well. The act of terrorism as well as its finance was specifically criminalised under the 2002 Anti-Terrorism Act.

The names of all individuals and entities suspected of terrorist involvement (i.e. those published on the UN and US terrorist list) including Osama Bin Laden, Al Qaida and the Taliban are circulated to all on and offshore financial institutions registered in Barbados. These institutions are required to check the names supplied against their clients list and to report to the FIU where matches are found. To date, there have been no "hits", but in the event that there is ever a match, current legislation provides for an application to the local courts to freeze such assets, together with notification of the particular state(s) with interest in the entity or individual.

The FIU cooperates with the Financial Crimes Investigation Unit (FCIU) of the Royal Barbados Police Force. The FCIU has been assigned the responsibility for investigations of financial related crimes especially in the area of money laundering and the tracing of assets and prop y representing proceeds of crime. The FCIU works closely with the Force's premiere intelligence units including the Special Branch and INTERPOL.

There are also mechanisms at the international level for the collection, analysis and sharing of international data. In addition to collecting and sharing information via the Egmont Group and through the channels provided for under the Mutual Legal Assistance in Criminal Matters Act, as has been indicated earlier, Barbados is also actively pursuing the signing of Memoranda of Understanding (MOUs) with FIUs of various jurisdictions which will permit Barbados to share intelligence freely with these agencies on a bilateral basis within the confines of the MOU. Such a MOU has already been concluded with Canada. MOUs with Mexico, Thailand, Guatemala, Republic of Venezuela and Panama are nearing conclusion. A bilateral Mutual Legal Assistance Treaty (MLAT) with the United States of America is also in place.

In addition, the Police Force utilises the intelligence network of the Special Branch and INTERPOL. There is a watch list in place at strategic points.

In light of the above, Barbados has in place and continues to demonstrate its legal ability and willingness to receive, analyse and share intelligence on all criminal matters including terrorist activities.

1.8 Sub-paragraph 2 (e) of the Resolution requires each Member State, *inter alia*, to have in place effective police, intelligence and/or other structures as well as adequate legal provisions to detect, monitor and apprehend those involved in terrorist activities and those supporting terrorist activities with a view to ensuring that they are brought to justice. In that context, are special training courses held in Barbados (on a regular or on an *ad hoc* basis) for investigators, police officers, prosecutors or other relevant officials as regards the detection and prosecution of terrorists or terrorist organisations? If not, does Barbados intend holding such courses.

Special training in the investigations of terrorists related matters have been conducted. Opportunities for such training at regional and international level are explored and taken when available. These training opportunities are on an *ad hoc* basis.

The information contained in Barbados' response to question 1.3 is also of relevance to this question.

1.9 With a view to the effective implementation of sub-paragraph 2 (e), could Barbados outline the legal provisions and administrative procedures in place, including the use of special investigative and under-cover techniques, directed at the suppression of terrorism?

The Government of Barbados is currently in the final stages of drafting this legislation and information will be provided in the future as relevant.

Do the laws of Barbados permit the use of special, investigative techniques for investigative and evidentiary purposes in the fight against terrorism, for domestic reasons or at the request of another state? If yes, please outline the legal conditions pertaining to their use.

No. Special investigative and under cover techniques are not provided in the law. However, such can be used as an investigative tool, but not for evidence gathering purposes.

1.10 **Effective implementation of sub-paragraph 2 (d) and (e) of the Resolution requires each state to make it a criminal offence for anyone to use its territory for the purpose of committing a terrorist act against another State or its citizens or for the purpose of financing, planning and facilitating the commission of terrorist acts against another State or its citizens, whether or not a related terrorist act has been attempted or committed. Article 12 of the Anti-Terrorism Act 2002 does not seem to fully meet those requirements.**

The CTC would appreciate receiving a report on the steps which Barbados intends to take in order fully to comply with this aspect of the Resolution.

Barbados takes this opportunity to reaffirm that the Anti-Terrorism Act satisfies the requirements set forth in sub-paragraph 2 (d) and (e). Under section 3 of the Anti-Terrorism Act, it is an offence for a person whether in or outside of Barbados to carry out an act of terrorism. By section 4 (1) of the Act, it is an offence for persons whether in or outside of Barbados to provide or collect funds or provide financial services for the commission of terrorist acts.

Would Barbados please explain how it deals with a foreign national who is present in Barbados and who is suspected of having committed a terrorist act abroad, in light of the "prosecute or extradite" (*aut dedere aut iudicare*) principle of international law?

This question was answered in Barbados' June 2002 Report- paragraphs 33 to 37.

1.11 **In its reply to sub-paragraph 2 (a) of the resolution Barbados indicates in its third report (at page 3) that "(an) amendment will be made in the very near future in order fully to meet the requirements of sub-paragraph 2 (a)" The CTC would appreciate a progress report on the enactment of this amendment.**

The Solicitor General has commenced action on this matter and information on the progress made in amending the legislation will be provided in the future.

1.12 **The CTC would appreciate receiving a progress report on the implementation in domestic law of the international instruments relating to terrorism which Barbados has recently ratified, in particular, the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991), the International Convention for the Suppression of Terrorist Bombing (1998), the International Convention for the Suppression of the Financing of Terrorism (1999) and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988). The CTC would also be grateful for a progress report on the ratification of or accession to the Convention on the Physical Protection of the Nuclear Materials, to which Barbados has yet to become a party.**

The offences created by the following Conventions-

i. the International Convention for the Suppression of Terrorist Bombing (1998)- (Second Schedule, para. 9),
ii. the International Convention for the Suppression of the Financing of Terrorism (1999)- (First Schedule),
iii. the Convention on the Physical Protection of the Nuclear Materials (1980)- (Second Schedule, para. 5), and
iv. the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988)- (Second Schedule, para.6),

have been made offences under Barbados' Anti-Terrorism Act, Cap. 158.

With reference to the Convention of the Physical Protection of Nuclear Material, it should be noted that Barbados is in the process of examining all disarmament and security related conventions to which the country is not a party with a view to taking expedited action on these conventions in so far as this country's legal, and administrative capacity allows.

The Cabinet has approved accession by Barbados to the Convention on the Marking of Plastic Explosives for the Purpose of Detection and it has been incorporated into Barbados Laws.

Effectiveness of Customs, Immigration and Border Controls

1.13 **Effective implementation of sub-paragraph 2 (c) and (g) of the Resolution requires effective customs, immigration and border controls to prevent the movement of terrorists and the establishment of safe havens. In that regard the CTC would be grateful for a description of the functions of the agencies which deal with the prevention and suppression of the use of counterfeited or forged travel documents, as well as an outline of the legal provisions and the administrative mechanisms regarding the aforementioned areas.**

Experience has shown that persons seeking to enter North America (Canada and United States) and to a lesser extent the U.K., through clandestine means, present their authentic national passports on entering Barbados' Airport, but no sooner than they gain entry here, they present forged/ fraudulently obtained passports to the airline personnel when seeking to depart Barbados on carriers bound for the metropoles of the north.

It is in situations like these that the Immigration Act, Cap. 190 would apply. Section 29(g), § (i) and (ii), A and B states: "A person who with the intention of entering or remaining in Barbados or of assisting any other person to enter or remain in Barbados:

(i) fabricates or falsifies any passport, permit or other document;
(ii) uses, utters or attempts to use or utter;

(A) any passport or other document which has not been lawfully issued or which he is not entitled to use or utter or
(B) any fabricated or falsified passport, permit or other document knowing the same to be fabricated or falsified, is guilty of an offence under this Act."

When such persons are caught uttering these documents they may be prosecuted in a Court of Law, fined and/or confined but are deported from Barbados in every case. Current legislation needs to be strengthened in order to secure the prosecution of persons who utter forged or falsified travel documents at the ports of entry or

even for having such documents in their possession. It is therefore, in this regard, that a proposed amendment to the Immigration Act has been drafted and submitted for ratification.

At the official ports of entry Immigration Officers utilise every skill and technique at their disposal to prevent inadmissible persons and those deemed as *persona non-grata* from entering the state.

As of 1st March 2004 every passenger entering Barbados must be in possession of (or in the case of minor children, included on) a valid passport. The use of Birth Certificates and insecure photo identification is now a thing of the past.

The increased use of technology at the ports of entry has led to significant improvement in the processing of arriving passengers. The timely production of Passenger Manifests (generated electronically) enables Immigration Officers to conduct some advanced clearance of passengers and thus target, at the point of entry, persons whose *bona fides* may be questionable.

In an effort to protect the integrity of the Barbados Passport, the Immigration Department has begun issuing Machine-Readable passports since April 1st 2004. Although this process is being phased in over time, it is planned that by the year 2010 all Barbados passports will be machine readable.

The method surrounding the issuing of Entry Visas for Barbados has been considerably tightened-up. Barbados' missions abroad have been advised to issue visas where the circumstances are exceedingly clear. All other cases should be referred to the Immigration Headquarters Office for determination. Barbados' visa regime has been reviewed and those countries which allegedly are havens for terrorists have been 'red-flagged'. The issue of visas to nationals of these countries is therefore severely restricted.

The return of an Immigration presence to the Departure area of the Airport has provided an added measure of security to that area. The role of Immigration there includes, but is not limited to:

(i) Assisting the police in the capture/apprehension of persons known to the Law Courts, who may be attempting to abscond the local jurisdiction. (Especially in instances where a Court Order is in force);
(ii) Detaining persons who may have entered Barbados other than at a designated port of entry and who then seek to depart through the airport (no evidence of entry in the passport);
(iii) Stamping out the wily practice of 'switching'. This is where conspiring unscrupulous travellers switch airline boarding passes or other travel documents thereby assuming another person's identity in order to access departing aircraft;
(iv) Detaining persons who seek to use forged passports to depart the island; and
(v) Document and enter into the Department's computer database instances of persons who overstayed their welcome, particularly by lengthy periods of time.

The Immigration Department has taken the necessary steps to be as pro-active as possible with respect to border control and enforcement- and continues to be a partner in the fight against terrorism and its attendant ills.

The introduction of document readers and the installation of various other scanning devices at the ports of entry, and more particularly at the expanded Grantley Adams International Airport (G.A.I.A) would further improve the processing of passengers and enhance the inspection capability of Immigration Officers on the front line. The 'real-time' electronic capture of passenger manifests (and other like documents) would allow

Immigration Inspectors to conduct advanced passenger screening and profiling. This will become a feature on completion of the new airport expansion and would be replicated at the other ports of entry in Barbados. These technological improvements represent a part of the process of building capacity in the Immigration Department in order to ultimately bring its methodologies in line with accepted international standards.

Continuous job specific training of Front-line officers, particularly in the detection of fraudulent documentation, falsified or forged passports and other travel documents and in passenger profiling techniques is now a departmental feature.

Does Barbados promote routine and technical training for customs control officers with a view to preventing the movement of terrorist or terrorist groups?

Barbados conducts localised training (Basic Customs Course and Refresher Training Course) on a yearly basis in which Officers are trained in:

a) weapons identification
b) weapons handling
c) weapons stripping
d) identification of weapons components
e) weapons concealment

It is to be noted that the Customs Department expects to receive training in explosives identification and handling from the Barbados Defence Force in relation to World Cup 2007.

1.14 **Sub-paragraph 3(g) requires States to have in place effective measures to control the issuance of identity papers and travel documents. The CTC would be pleased to be informed of the steps taken by Barbados to improve the quality of its national identification and travel documents and similar documents (e.g. birth certificates, marriage certificate, drivers licenses, military service cards, etc.) to meet minimum international security standards aimed at rendering impossible their duplication, falsification, or be obtained by fraud?**

The Government of Barbados is considering an automated identification system based on Smart Card technologies to facilitate identification control and security and to integrate other citizen information, drivers licences, passport, national insurance and health among other information. Smart Card technologies will meet international security standards in order to prevent fraud and duplication by the use of cutting edge technologies which are certified by the International Standards Organisation (ISO). Provisions are made within the specifications of the Smart card to audit and control the fabrication of the device. The combination of the relatively large storage available of smart cards and the processing power for authentication protocols present a formidable deterrent to fraud.

As indicated in the response at **1.13**, Barbados has introduced Machine Readable Passports. Although the process is being phased in over a period of time, it is planned that by 2010 all Barbados passports will be machine readable. At present however Barbados has mechanisms in place to prevent the duplication of the paper passports. The passports issued by the Immigration Department prior to April 1st, 2004 are ICAO-compliant. This passport had the following security features:

- The paper on which the passports is printed is highly specialised and only supplied to legitimate passport producers. It is embedded with tamper proof marks which are hidden in inconspicuous places. It is produced and distributed under international standards;
- The binding and the page edges are marked to reveal changes or tampering;
- The image is printed and sealed with a treatment which makes it virtually impossible to remove without being noticed.

Effectiveness of Controls Preventing Access to Weapons by Terrorists

1.15 **Sub-paragraph 2 (a) of the Resolution requires each Member State, *inter alia*, to have in place an appropriate mechanism to deny access to weapons to terrorists. With regard to this requirement of the Resolution as well as to the provisions of the Convention on the Marking of Plastic Explosives for the purpose of Detection and the International Convention for the Suppression of Terrorist Bombings, please provide the CTC with information relevant to the following questions:**

- **Legislation, regulation, administrative procedures**

Within the context of concerns expressed by Barbados in its first paper (at page 11) about the increase in the incidence of the illegal export of small arms, please outline the legal provisions and administrative procedures which exist to exercise effective control over firearms, ammunition, explosives in the following areas:

The responsibility for the importation and exportation of firearms in Barbados is shared by the Customs and Excise Department and the Royal Barbados Police Force. The Customs and Excise Department ensures that the laws relating to importation and exportation are adhered to while the Police Force has responsibility for all matters related to regulating the acquisition of firearms.

The importation, exportation and licensing of firearms and ammunition are controlled under the provisions of the Firearms Act 1998-32, the Firearms Amendment Act 2002-12, the Customs Act Cap. 66.

Every export, import or transit must be approved by the Commissioner who issues a permit or license to facilitate the exporting or importing or the transiting. This is done after the appropriate background checks are made if the importer or exporter is not a regular dealer. Records are maintained to this end. In addition inspections are performed.

- **Export**

It should be noted that Barbados is not a producer of arms, nor are any arms manufacturers located in or operating from Barbados. Under section 6 (1) of Firearms Act, a person who wishes to export firearms from Barbados is required to apply to the Commissioner of Police for a firearm export licence. Information regarding the export must be produced by the dealer before any permit is issued. Cooperation and exchange of information between states and law enforcement agencies are critical to the process.

- **Import**

Section 6 (1) requires any person who wishes to import any firearm into Barbados to apply to the Commissioner of Police for a licence.

Transit

Section 33 (2) of the Firearms Act 1998-32 and the Firearms Amendment Act 2002-12 permits the transit of firearms and ammunition provided the arms and ammunition are *bona fide* cargo and entered on the manifest of the vessel or aircraft and declared to the Customs Department. Failure to comply with this provision amounts to the commission of an offence for which high penalties have been provided.

The Customs and Excise Department must be given prior notice of any ship or aircraft transporting firearms and ammunition prior to its arrival. The Firearms Act requires Barbados to issue import or in transit licences or authorisations before permitting the entry of a shipment, and require verification that an importing country has issued the necessary licence or authorisation before an export licence is issued.

The goods are conveyed under the Royal Barbados Police Force and the Barbados Defence Force escort to an approved place for safekeeping pending disposal. Arms and ammunition being exported as cargo are placed on the cargo manifest of the exporting carrier and are loaded last under the supervision of the Customs Department. Such goods are specifically placed in the direct care of the master/commander of the carrier.

Export control

- **Please describe the system of export and import licensing or authorisation, as well as measures on international transport, used by Barbados for the transfer of:**

  - **small arms and light weapons**
  - **other firearms**
  - **plastic explosives**
  - **Other explosives and their precursors.**

The information provided in response to the previous question is relevant to this query.

- **Please specify procedures of export control and existing mechanism for exchange of information on sources, routes and methods of trade in arms?**

The procedures for export control were specified in the response to the previous question.

- **Is it necessary to lodge and register or check the Goods declaration and supporting documents relating to firearms prior to import, export or transit movement of the goods as well as encourage importers, exporters or third parties to provide information to Customs prior to their shipment? Please outline also any appropriate mechanism to verify the authenticity of licensing or authorisation documents for the import, export or transit movements of firearms?**

In terms of the authenticity of licensing or authorisation documents for the import, export or transit movements, the Police Force maintains files with specimen signatures against which the documentation is checked.

- **Has Barbados' Customs Service implemented intelligence-based risk management on borders to identify high-risk goods?**

While the Customs Department does not have a unit specifically dedicated to risk management, the Department's Enforcement Division does manifest profiling, business profiling as well as the profiling of persons, all based on intelligence gathering to enable the identification of high-risk goods.

- **Please outline data elements required by Customs Administration to identify high risk consignment prior to shipment.**

The major data elements used to identify high risk goods are as follows:

a. H.S. Classification of Goods;
b. Country of Origin;
c. Company Names; and
d. Names of Individuals.

Law enforcement/illegal trafficking

- **What special measures are used by Barbados to prevent and suppress illegal trafficking in firearms, ammunition, and explosives utilised by terrorists?**

The Customs Act provides the overarching legislative framework within which the Customs Department operates to prevent the illegal trafficking in firearms, ammunition and explosives. The relevant provisions are highlighted below:

- Section 5- Police powers of officers and assistance to be rendered by Police;
- Section 29- Officers may board and search ships or aircrafts;
- Section 35- Officers have a right to demand documents;
- Section 200- Officers may search premises;
- Section 201- Officers may stop and search ships and aircrafts and vehicles; and
- Section 202- Officers may patrol freely.

In addition, the Customs department engages in the following enforcement action:

a. Profiling of goods for examination;
b. Profiling of passengers for examination;
c. Rummages of aircrafts and vessels;
d. Search of persons;
e. Search of premises;
f. Search of containers;
g. Patrols and spot checks at air and seaports; and
h. Profiling of postal packages.

The Police Force has been building capacity at the operational level and in the intelligence area as one of the measures to prevent illegal trafficking in firearms, ammunition and explosives. There has been the strengthening of the interagency (law enforcement) approach and sharing of information in a timely manner has become central to the cooperation. There is now a dedicated unit within the Force to deal with firearms related

investigations. In addition, there are the regional and international networks that facilitate the exchange of information.

- **Does your law enforcement cooperate with the INTERPOL system of tracking in firearms and explosives?**

The Police Force has been co-operating with the INTERPOL system of tracking firearms and explosives over the years.

1.16 The CTC is aware that Barbados may have covered some or all of the points in the proceeding paragraphs in reports or questionnaires submitted to other organisations involved in monitoring international standards. The CTC would be content to receive a copy of any such report or questionnaire as part of Barbados' response to these matters as well as details of any efforts to implement international best practices, codes and standards which are relevant to the implementation of resolution 1373.

A copy of the Progress Report of Barbados on the Implementation of Recommendations from Second Evaluation Round of the Multilateral Evaluation Mechanism (MEM) of the Inter-American Drug Abuse Control Commission (CICAD) is appended to this report.

2. ASSISTANCE AND GUIDANCE

2.3 In that context the Committee would be pleased to hear whether there are areas in which further assistance or advice might prove beneficial to Barbados in the steps which it is taking to implement the Resolution. At this stage of its work, the CTC will focus on requests for assistance that relate to Stages "A" and "B" matters. However, the assistance to be provided by one State to another on any aspect of the implementation of the Resolution is a matter for agreement between them. The CTC would be grateful to be kept informed of any such arrangements and of their outcome.

Barbados would be grateful for assistance in the following areas:

1. Training in special areas to increase operational capacity and effectiveness. Such training should include:
   - Explosive ordinance handling;
   - Counter-terrorist operations;
   - Intelligence handling and analysis;
   - Intelligence capacity building; and
   - In EOD.

2. Training for Barbados' Prosecutors in order to enhance their knowledge and capacity to prosecute offences created under the Anti-Terrorism Act;

3. Training to recognise the typologies and trends used by persons involved in terrorist activities.